



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/471,333 | 12/23/1999 | DOUGLAS P. BOGIA | PM-263216 | 7277 |

7590

09/17/2003

Pillsbury Winthrop LLP
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406

EXAMINER

CAO, DIEM K

ART UNIT

PAPER NUMBER

2126

DATE MAILED: 09/17/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/471,333

Applicant(s)

BOGIA ET AL.

Examiner

Diem K Cao

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Amendment filed on 7/28/2003.
2. Claims 1-30 remain in the application. Applicant has amended claims 1, 15, 27 and 30.

Drawings

3. The corrected or substitute drawings were received on 7/28/2003. These drawings are not approved by the Draftperson. These drawings are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office Action. The correction will not be held in abeyance.

Response to Amendment

4. The amendment filed 7/28/2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Claims 1, 15, 27 and 30 recite "the print server, the peripheral device, and the computer being connected via a local area network", and "the computer connected to the peripheral device via the local area network". There are no supports shown for the above limitations. It appears that the print server, the peripheral device, and the computer being connected via network.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

Art Unit: 2126

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 15, 27 and 30 recite "the print server, the peripheral device, and the computer being connected via a local area network", and "the computer connected to the peripheral device via the local area network".

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 5-6, 10, 15, 19 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrabaszc (U.S. 6,263,387 B1) in view of Leyda (U.S. 5,867,730).

As to claim 1, Chrabaszc teaches preparing a server to retrieve a first device identification from a memory of a peripheral device (the autoconfiguration program retrieves the Vendor and device ID from the device; col. 11, lines 7-21), the server (server; col. 6, lines 1-42), the peripheral device (adapters, printers; col. 6, lines 1-42), and the computer (client computer; col. 6, lines 1-42) being connected via a local are network (LAN card; col. 6, lines 1-18), and the computer connected to the peripheral device via the local area network (client computer, various types of printers; col. 6, lines 1-18).

Art Unit: 2126

Although Chrabaszczyk does not teach a print server, Chrabaszczyk teaches a server and a device in general (abstract), and server controls various types of printers (col. 6, lines 1-18). Obviously, the server in the system of Chrabaszczyk could be print server.

However, Chrabaszczyk does not explicitly teach comparing the first device identification to device names on a list of names associated with device drivers, the list and the drivers being stored in a memory of the computer, selecting for use an associated driver if the first device identification matches one of the name. Leyda teaches comparing the first device identification to device names on a list of names associated with device drivers (with the unique identification ... driver type; col. 7, line 30 - col. 8, line 31), the list and the drivers being stored in a memory of the computer (the system 100 includes ... software driver files 104 ... loads the corresponding software ... driver files 104; col. 5, line 20 - col. 6, line 22), selecting for use an associated driver if the first device identification matches one of the name (the system 100 selects... in the memory 14; col. 7, line 30 - col. 8, line 31). It would have been obvious to apply the teaching of Leyda to the system of Chrabaszczyk because it provides an ability to automatically identify and configure devices without the need for technical expertise on part of the user.

As to apparatus and an article of manufacture claims 15 and 30, they correspond to the method claim of claim 1.

As to claim 5, although Chrabaszczyk does not explicitly teach the peripheral device is a printer. Chrabaszczyk teaches the peripheral device in general. It would have been obvious the peripheral device in the system of Chrabaszczyk could be a printer.

As to claim 6, Chrabaszczyk teaches the computer network is compatible with the Microsoft Windows Operating System (Alternative embodiments ... DOS, Windows 3.1/95/98).

Art Unit: 2126

As to claim 10, Chrabaszcz as modified teaches the selecting occurs automatically (the program automatically loads the appropriate driver; col. 11, lines 7-67).

As to claim 19, see rejection of claim 6 above.

9. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrabaszcz (U.S. 6,263,387 B1) in view of White et al. (U.S. 6,301,012 B1).

As to claim 27, Chrabaszcz teaches installing the drivers in the server if the current installation is the first installation and storing information associated with the current installation in a memory of the print server (the program automatically loads ... the user, saving the modified start-up configuration files in the system's main memory; col. 11, line 1 – col. 12, line 34), retrieving information associated with the first installation from the memory if the current installation is not the first installation (inherent from "saving the modified start up ... main memory"; col. 12, lines 15-34), retrieving a current identification data string from a memory of the printer (the auto configuration program retrieves the Vendor and device ID from the device; col. 11, lines 7-21), the current identification data string being associated with the current installation (the auto configuration program retrieves the Vendor and device ID from the device; col. 11, lines 7-21), and installing the printer drivers in the computer based upon the information associated with the first installation (inherent from "saving the modified start up ... main memory"; col. 12, lines 15-34), the server (server; col. 6, lines 1-42), the peripheral device (adapters, printers; col. 6, lines 1-42), and the computer (client computer; col. 6, lines 1-42) being connected via a local are network (LAN card; col. 6, lines 1-18), and the computer connected to the printer via the local area network (client computer, various types of printers; col. 6, lines 1-18).

Although Chrabaszczyk does not teach a print server, Chrabaszczyk teaches a server and a device in general (abstract), and server controls various types of printers (col. 6, lines 1-18). Obviously, the server in the system of Chrabaszczyk could be print server.

However, Chrabaszczyk does not explicitly teach installing the printer drivers in the computer, preparing the print server to determine if a current installation of the printer drivers is a first installation of the printer drivers, the information associated with the first installation including a first identification data string, comparing the first data string with the current data string, and installing the printer drivers in the computer based upon the information associated with the first installation if the first data string matches the current data string.

White teaches (col. 3, lines 27 – col. 8, line 65) preparing the print server to determine if a current installation of the printer drivers is a first installation of the printer drivers (When network plug and play service 50 ... is a new device on the network), and installing the printer drivers in the computer based upon the information associated with the first installation (the network plug and play ... print driver). It would have been obvious to apply the teaching of White to the system of Chrabaszczyk because it provides a method to the users for faster installation of the same device.

Although Chrabaszczyk as modified does not explicitly teach the information associated with the first installation including a first identification data string, comparing the first data string with the current data string, and installing the printer drivers in the computer based upon the information associated with the first installation if the first data string matches the current data string. It would have been obvious to one of ordinary skill in the art to associate the device identification data string with the information of the first installation and use it to retrieve the

needed information for subsequence installation because the device's identification data string is unique to every device and available for each installation.

As to claim 28, Chrabaszc as modified teach installing the printer drivers in the computer if the first data string does not match the current data string and storing information associated with the installing, in the memory of the print server (the program automatically loads ... the user, saving the modified start-up configuration files in the system's main memory; col. 11, line 1 – col. 12, line 34).

10. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chrabaszc (U.S. 6,263,387 B1) in view of White et al. (U.S. 6,301,012 B1) further in view of APA (Admitted Prior Art).

As to claim 29, Charabaszc does not teach the first and current data strings are IEEE 1284 ID data strings. APA teaches the device identifications conform to an IEEE 1284 signaling standard (The signaling standard ... 1994; page 3, line 1- page 4, line 5). It would have been obvious to apply the teaching of APA to the system of Chrabaszc because it provides all the benefit of IEEE Std. 1284 to the users.

11. Claims 2-3, 11, 16-17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrabaszc (U.S. 6,263,387 B1) in view of Leyda (U.S. 5,867,730) further in view of DeRosa Jr. et al. (U.S. 5,822,565).

As to claims 2 and 16, Chrabaszc does not teach translating the first device identification into at least a second device identification if the first device identification does not match one of the names, comparing the at least second device identification to the device names, and selecting a driver from the list if the at least second device identification matches one of the

names. DeRosa teaches a device identifier typically includes a vendor identifier and a device number (col. 6, lines 15-29). DeRosa further teaches different string identifiers maybe produce by a system for different devices bases on vendors and platforms (col. 8, lines 1-64). It would have been obvious to apply and modify the teaching of DeRosa to the system of Chrabaszcz to translate the device identification to select a driver for a device because there are multiple string identifier are existed in the same system.

As to claims 3 and 17, Chrabaszcz teaches (col. 11, lines 42-54) determining whether the peripheral device requires a special measure in order to install the selected device driver (the program determines ... are required), identifying an appropriate special measure from a table of potential special measures stored in a memory of the print server (By looking up a table ... that device), and informing a user of the appropriate special measure (the program announces ... required values). Although Chrabaszcz does not teach a database to store the special measure, it would have been obvious a database could be employed in the system of Chrabaszcz because it just a matter of implementation.

As to claims 11 and 22, Chrabaszcz as modified does not teach the translating includes a database look-up. Chrabaszcz teaches a table look-up is carried out. As discuss in claim 3, a database could be incorporated in the system of Chrabaszcz because it just a different way of implementation.

12. Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrabaszcz (U.S. 6,263,387 B1) in view of Leyda (U.S. 5,867,730), DeRosa Jr. et al. (U.S. 5,822,565) further in view of White et al. (U.S. 6,301,012 B1).

As to claims 4 and 18, Chrabaszcz does not explicitly teach alerting a user if the second device identification does not match one of the names. White teaches alert a user if the driver could not be located (Automatically installing ... installation location; col. 3, line 58 – col. 4, line 16). It would have been obvious to apply the teaching of White to the system of Chrabaszcz because it provides the users a method to install a device successfully with minimum interaction.

13. Claims 7-9, 12-14, 20-21, and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrabaszcz (U.S. 6,263,387 B1) in view of Leyda (U.S. 5,867,730), DeRosa Jr. et al. (U.S. 5,822,565) further in view of Admitted Prior Art (APA).

As to claim 7, Chrabaszcz does not teach the device identifications conform to an IEEE 1284 signaling standard. APA teaches the device identifications conform to an IEEE 1284 signaling standard (The signaling standard ... 1994; page 3, line 1- page 4, line 5). It would have been obvious to apply the teaching of APA to the system of Chrabaszcz because it provides all the benefit of IEEE Std. 1284 to the users.

As to claim 8, Chrabaszcz teaches the first device identification includes at least manufacturer and model key values (Device ID and Vendor ID; col. 11, lines 7-21).

As to claim 9, Chrabaszcz teaches the first device identification includes a compatibility identification key field (Device ID, Vendor ID; col. 11, lines 7-66).

As to claim 12, Chrabaszcz as modified does not teach the translating includes a database look-up using alternate names and key values. Chrabaszcz teaches a table look-up is carried out. As discuss in claim 3, a database could be incorporated in the system of Chrabaszcz because it just a different way of implementation. DeRosa teaches different string identifiers maybe produce by a system for different devices bases on vendors and platforms (col. 8, lines 1-64). It

Art Unit: 2126

would have been obvious to apply and modify the teaching of DeRosa to the system of Chrabaszcz because to implement a look-up in database, one could use alternate name of key values.

As to claim 13, Chrabaszcz does not teach the translating includes concatenating the manufacturer and model key values. DeRosa teaches concatenating the manufacturer and model key values to locate the configuration file. It would have been obvious to apply the teaching of DeRosa to the system of Chrabaszcz because it provides the user with alternate methods to locate the driver when there are multiple implementations in the system.

As to claim 14, see rejection of claim 13 above except the translating further includes removing the manufacturer key value.

As to claims 20-21 and 24, see rejections of claims 7-9 above.

As to claims 23 and 25-26, see rejections of claims 12-14 above.

Response to Arguments

14. As to Applicant's arguments regarding the system of Chrabaszcz and White does not teach the print server, the peripheral device, and the computer being connected via a local area network. However, Charabaszcz teaches the print server, the peripheral device, and the computer being connected via a local area network (col. 6, lines 1-18 as discuss in the rejection of claim 1 above). Although White does not teach the print server, the peripheral device, and the computer being connected via a local area network, White suggests the system is also applicable to other networking environments and operating system. It would have been obvious to one of ordinary skill in the art would motivate to apply the teaching of White to local area network environment.

Art Unit: 2126

As to Applicant's arguments regarding the reference of Charabaszcz does not teach the list of name and the drivers being stored in the computers. Although Charabaszcz does not explicitly teach the above limitation, one of ordinary skill in the art would know the system of Charabaszcz stores multiple device drivers and the limitation is taught by Leyda as discuss in the rejection of claim 1 above. Thus, the combination of Charabaszcz and Leyda teach all the limitations of claim 1.

15. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2126

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K Cao whose telephone number is (703) 305-5220. The examiner can normally be reached on Monday - Thursday, 9:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6296 for regular communications and (703) 305-9731 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
- OFFICIAL faxes must be signed and sent to (703) 746-7239.
- NON-OFFICIAL/DRAFT faxes should not be signed, please send to (703) 746-7140.

Diem Cao
September 11, 2003



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100